

## REMARKS

1. In response to the Office Action mailed October 11, 2005, Applicant respectfully requests reconsideration. Claims 20-51 were last presented in the application. In the outstanding Office Action, claims 20-51 were rejected. By the foregoing Amendments, no claims have been amended, canceled or added. Thus, upon entry of this paper, claims 20-51 will remain pending in this application. Of these thirty-two (32) claims, three (3) claims (claims 20, 33 and 43) are independent. Based on the above Amendments and following Remarks, Applicant respectfully requests that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

### *Amendments to the Specification*

2. The Examiner requested that Applicant update the references in Applicant's specification to related U.S. Patent Applications. Applicant has accordingly amended the specification to include the Application Numbers for these applications. Applicant has also amended the specification to update the titles for those cited applications in which the title has been amended since the present application was filed.

### *Claim Rejections under 35 U.S.C. §112, second paragraph*

3. Independent claims 20, 33, and 43 and dependent claims 21-32, 34-42, and 44-51 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the rejection the Examiner stated that in the limitation "a partition of the network allocated to said first customer," it is "unclear what this network is relating to..." (See, Office Action at pg. 2.) Applicant would like to point out to the Examiner that the preamble of claim 20 includes the phrase "a network," and the limitation in line 8 of claim 20 recites "a partition of the network allocated to said first customer." As such, "the network" recited in line 8 of claim 20 relates to the "a network" recited in the preamble. Because, claim 20 does not recite any other networks, Applicant respectfully disagrees with the Examiner that it is unclear to what "the network" in line 8 of claim 20 is related.

4. On the other hand, if the Examiner has objected to the phrase "a partition of [a] network allocated to [a] customer," Applicant disagrees that this phrase is unclear. Rather,

Applicant respectfully submits that this phrase would be readily understood by one of skill in the art reading Applicant's specification. For example, as recited in the paragraph spanning pages 7 and 8 of Applicant's specification, in one embodiment, a service provider may configure a portion of the service provider's network into partitioned networks, where each partitioned network may be allocated to a customer. This concept is further illustrated in Figure 1 of Applicant's application.

5. Applicant further respectfully submits that for at least similar reasons, independent claims 33 and 43 likewise satisfy the requirements of 35 U.S.C. §112, second paragraph.

***Claim Rejection under 35 U.S.C. §103(a)***

6. Independent claims 20, 33 and 43 and dependent claims 21-32, 34-42, and 44-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,832,263 to Polizzi (hereinafter, "Polizzi") in view of U.S. Patent No. 6,442,615 to Nordenstam (hereinafter, "Nordenstam"). Based on the above Amendments and following Remarks, Applicant respectfully requests reconsideration and withdrawal of these rejections.

7. Claim 20 recites, in part, a method for providing customers of a network management portal secure access to customer information over a network, comprising: ...storing in a first memory space allocated to a first customer information resulting from performance of a network management transaction by a web application executed for said first customer, wherein said network management transaction comprises gathering network information regarding a partition of the network allocated to said first customer and wherein the information stored in the first memory space comprises information for display to the customer regarding said gathered information...." (See, Applicant's claim 20, above.)

8. In rejecting claim 20, the Examiner recognized that Polizzi fails to disclose "storing in a first memory space allocated to a first customer information resulting from performance of a network management transaction ...[comprising] gathering network information regarding a partition of the network allocated to said first customer..." as recited in claim 20. Instead, the Examiner relied on Nordenstam for allegedly disclosing this element. In support of this contention, the Examiner cited column 7, lines 34-49 of Nordenstam. (See, Office Action at pg. 4.) Applicant respectfully traverses this rejection.

9. As set forth in MPEP § 706.02(j), "To establish a prima facie case of obviousness . . . [t]he prior art reference (or references) when combined must teach or suggest all of the claim

limitations.” The portion of Nordenstam relied on by the Examiner discloses a traffic data evaluation apparatus comprising a traffic data collection unit that collects data with respect to traffic flow in a network. (See, Nordenstam at col. 7 lns. 34-49.) In contravention of this requirement, the noted portion of Nordenstam fails to mention allocating partitions of a network to customers, let alone “gathering network information regarding a partition of [a] network allocated to [a] customer,” as recited in claim 20. As such, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 20 for at least this reason.

10. As such, Applicant respectfully submits that the cited references, whether taken alone or in combination, fail to teach or suggest the invention as recited in claim 20. Applicant further respectfully submits that amended independent claims 33 and 43, which include similar recitations to the above-discussed limitations of claim 20, are likewise allowable for at least the above-discussed reasons

***The Examiner has Failed to Provide Evidence of a Motivation to Combine***

11. The Section 103 rejections are *prima facie* improper because they provide no appropriate basis for combining Polizzi and Nordenstam. As set forth in the Manual of Patent Examining Procedure (MPEP) at § 706.02(j), “To establish a *prima facie* case of obviousness . . . there must be some suggestion or motivation, ***either in the references themselves or in the knowledge generally available to one of ordinary skill in the art***, to modify the reference or to combine reference teachings (emphasis added) . . . The teaching or suggestion to make the claimed combination and the reasonable expectation of success ***must both be found in the prior art and not based on applicant’s disclosure*** (emphasis added). *In re Vaeck*, 947 F.2d. 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

12. The Examiner attempts to justify combining Polizzi with Nordenstam based on the following conclusory statement:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nordenstam’s system of generating topology maps of networks with Polizzi’s disclosure of a portal system providing services and security to a user while communicating with many types of databases and requests (Column 1, lines 29-50) from the user in order to provide Nordenstam’ system with better authentication system of accessing information from the services needed to simulate the network (column 8, lines 54-60; Column 11, lines 33-39).

(See, Office Action at pg. 5.)

13. The above statement fails to properly identify any text in Polizzi, Nordenstam or any other reference that would provide any motivation for combining Polizzi with Nordenstam. Rather, the Examiner merely identifies particular elements disclosed in the two references, and then makes the conclusory statement that it would be obvious to combine these elements.

14. As held by the Federal Circuit in *In re Lee*, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002), specific reasons must be shown in the art suggesting a combination of references. (See also *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“[P]articular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.”); *Also see, In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) (“[E]ven when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination.”)).

15. As such, because the Examiner has failed to provide evidence of a motivation to combine Polizzi and Nordenstam, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections under §103 for at least this additional reason.

***Examiner Fails to Clearly Explain the Pertinence of the Cited Reference as Required by 37 C.F.R. §1.104(c)(2)***

16. According to 37 C.F.R. §1.104(c)(2), “when a reference is complex or shows or describes inventions other than that claimed by the applicant... the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” In the Examiner’s rejection of claims 20-51, the Examiner failed to meet this standard, by not clearly explaining the pertinence of the reference, and the portions upon which the Examiner relies.

17. Generally speaking, in rejecting Applicant’s claims, the Examiner first quotes or summarizes portions of Applicant’s claim, and then refers to blocks of text in the Polizzi or Nordenstam reference, which often are made up of disjointed blocks of text. After referring to these figures or blocks of text, the Examiner fails to provide any explanation as to their pertinence.

18. As an example, the Examiner addresses Applicant's claim 20 limitation reciting "allocating to each customer memory space in a secure storage area in a remote network node," in the fifth paragraph of page 3 in the Final Office Action. There, the Examiner simply refers to the following blocks of text: col. 2 line 66-col. 3 line 9; col. 10 lines 55-60; and col. 3 lines 65-67. The Examiner provides no explanation whatsoever as to the pertinence of those two blocks of the reference. The Applicant is wholly left to guess as to why or how those portions of the reference are applicable to this portion of Applicant's claim.

19. As such, the Examiner has failed to meet the standard specified in 37 C.F.R. §1.104(c)(2). Accordingly, Applicant respectfully requests that the rejection be withdrawn. Should the Examiner maintain the above rejection, Applicant respectfully asserts that the next action be non-final.

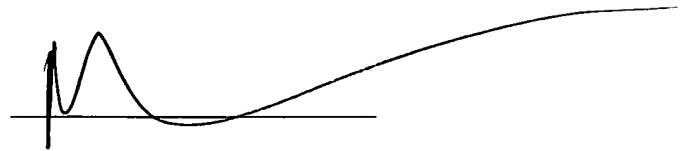
### ***Dependent Claims***

20. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

### ***Conclusion***

21. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Verga", written over a horizontal line.

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